

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Jerrell Hein

Title: RECONFIGURABLE TERMINAL

Application No.: 10/675,529 Filed: September 30, 2003

Examiner: Richard B. Franklin Group Art Unit: 2181

Atty. Docket No.: 026-0036 Confirmation No.: 6093

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APPELLANT'S REPLY BRIEF UNDER 37 C.F.R. § 41.41

This brief is in furtherance of the Notice of Appeal, filed on July 30, 2008, the Appeal Brief filed September 29, 2008, and is responsive to the Examiner's Answer mailed December 15, 2008.

Any fees required by this paper are being provided as directed in an electronic submission of this paper or in a transmittal letter accompanying this paper. However, the Commissioner is hereby authorized to charge any deficiency in fees required by this paper and any additional fees under 37 C.F.R. § 1.16 or 1.17 which may be required during the pendency of this application, and to similarly credit any overpayment, to Deposit Account 50-0631.

ARGUMENT

Appellant has briefed its positions relative to Ground of Rejection I in the Appeal Brief, and Appellant does not restate its positions here. Rather, Appellant respectfully directs this Board to that previously-filed Appeal Brief and restricts arguments presented herein to additional errors in the Examiner's position suggested by the Examiner's Answer.

Ground II: The rejection of claim 10 under 35 U.S.C. § 103(a) as being unpatentable over Torode in view of Spenea and further in view of U.S. Patent No. 6,670,852 to Hauck (hereinafter, "Hauck").

Claim 10

Specifically, regarding claim 10, Appellant respectfully maintains that Torode, alone or in combination with Spenea or other references of record, fails to teach or suggest

a second terminal that functions as a dedicated programmable input/output terminal over which serial communications and a calibration clock are received, the second terminal not being convertible into a dedicated input control for an output enable function,

as required by claim 10. The Examiner's Answer, mailed December 15, 2008, states that Torode does not teach that a dedicated programming pin is undesirable for a specific reason, but only that such a pin is not required. However, Appellant respectfully points out that Torode teaches:

[i]t is another object of the present invention to provide a programmable crystal oscillator that does not require any dedicated programming connections.

These and other objects are realized in a programmable crystal oscillator that generates a wide range of possible frequencies with high stability. The programmable crystal clock oscillator includes an industry standard oscillator package, a programmable storage, a crystal and a phase lock loop circuit coupled to the crystal and the programmable storage. The industry standard package does not contain any dedicated programming connections.

Col. 1, line 60-col. 2, line 14 (emphasis added). Torode teaches that an object of the invention is to provide a programmable crystal oscillator that does not require any dedicated programming connections so that it may fit in an industry standard oscillator package. Torode teaches that a dedicated programming pin on a programmable crystal oscillator circuit is undesirable because it would not fit in an industry standard oscillator package. Thus, Torode teaches away from combination with Hauck to include a second terminal that functions as a dedicated programmable input/output terminal, as applied by the Office action, and the combination of Torode, Spenea, and Hauck fails to establish a *prima facie* case of obviousness of the limitations of claim 10. Accordingly, the PTO's rejection of claim 10 should be reversed.

CONCLUSION

For at least the foregoing reasons and those presented in the Appeal Brief, Appellant's presently claimed invention would not have been obvious to one of ordinary skill in the art under 35 U.S.C. § 103(a) in view of the cited prior art. Accordingly, this honorable Board is respectfully requested to reverse the rejections of claims 1-3, 5-11, 13-20, 22, and 23 and to direct the claims of the present application to be issued.

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